THE STATE CAPITAL.

The City Charter Discussed by the Senate.

ALL SORTS OF OPINIONS VENTED.

Republican Rhetoric in Support of Party Rule.

The Board of Assistant Aldermen Abolished.

Adoption of the New Plan for the Aldermen.

Fierce Fight Over the Appointing Power.

Strong Arguments For and Against Havemeyer.

GREEN DENOUNCED WITH A VENGEANCE.

The Question of the Appointing Power Still Unsettled.

The charter came up as special order in the mate this morning, in pursuance of previous rder. The lebby and floor of the Chamber were gain thronged by an audience composed in large part of ladies and distinguished men of politics. ng the latter were Tom Murphy, David Melast, E. D. Webster, George Bliss, Jr.; Davenport and Dexter A. Hawkins, all interested in the fate of the pending measure. Senator Winslow was

BOARD OF ASSISTANT ALDERMEN. Senator Woodin, when the second section of the sharter was named (the process of reading it through on Tuesday night having relieved the Sente from the necessity of reading it), moved that be following words be added thereto:—

The term of office of the Board of Assistant Aldermen shall terminate on January 1, 1874."
This was the method of abolishing the Assistant ildermen proposed in the caucus, but as the action of that convention was not binding on anybody, Senator Benedict at once entered upon a speech some length in opposition to the proposed abe-

BENEDICT IN PAVOR OF THE BOARD. He said New York was not like a little village where every man knows his neighbor, but, like the great banyan tree of the East, it drops its branches and extends its roots until you may plant dozens of villages under its shade. Nowhere among the clavic or light-haired races is power given like this to small bedies of men. The republican party Board of Assistant Aldermen. And nobody ever proposed to disturb it until the Com-mittee of Seventy laid their ryofane hands spen it. That committee had their little cretchets—minority representation, cumulative voting, &c.; and this Board of Assistant Aldermen was too much for them. This notion of theirs was slipped in as a sop for them, because it was said they would then go for the charter. But every-body demands a Board of Assistant Aldermen. If you want "rings," the way to get them is to conentrate power in a little knot of men like a single beard, where eight men constitute a quorum. They do everything themselves and have no lower House to check them, and eight men can wield all that

Senator BENEDICT—Nothing was fixed by the caudeased. In regard to the reasons adduced by Aldermen was here and wanted the lower Board abolished because they sometimes voted against a measure that had passed the upper House. I hope that will be no sufficient reason. We want a Board of Assistants that will sometimes vote against the measures of the upper House.

Senator Tiemann retailed his experiences in the Seards of Aldermen, especially the one in 1851, which was called "The Forty Thieves:" but even then he found great efficacy in two Boards, Many vilin the other. New York pays more than half the State taxes, and 2,000,000 of people are interested directly in its good government.

Senator Madden was also in favor of retaining the Assistant Board.

Senator Woodin said he favored retaining the Board during its term of office; but as there was a difference of epinion as to when the term of this Board expired, he thought it ought to be settled by legal enactment. He wanted the question settled, and thought the amendment would settle it. As to abolishing the Board thereafter he thought it one of the best things for the city. It is proposed to increase the Al-dermen to twenty-one—three from each senate district and six at large, securing local rep-Senate district and six at large, securing local representation therein, and all the essential elements are, therefore, to be lound in this single Board. What more complete check against improvident legislation can there be than this, for it takes three-fourths of the Board to carry any ordinance or measure that imposes taxes? Besides, you have the Mayor with his veto, and, better than all, you have the Board of Appertienment. With larger districts a better class of men must be secured, and that is an assertion that will not be denied by anybody.

Mr. TERMAIN (as if brought to his mettle by so sweeping an assertion)—I deny it.

Mr. WOODIN—Then I am wrong, for you are any-body.

Senator Benedict—The Senatorial districts are large in fact, though not territorially; for the knowledge of people of one another in the interior is five fold greater in a Senatorial district than in similar districts in the city. Senator Woodin may ride all over Cayuga county and be greeted by name by every man be meets, while I hardly know my next door neighbor.

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Senator Weismann hoped the motion to abolish would prevail. He had resided in the city for more than forty years and the two Boards have been bried during that time, and he had come to the conclusion that the lower Board was merely a lifth wheel of a wagon. If the Board of Assistant Aldermen is continued it will serve as a check against the carrying out of all great reforms.

MURPHY WOULD RATHER ABOLISH THE ALDERMEN. Senator Murphy congratulated the Senate that the charter was to be determined by the sense of the members, uninfluenced by any secret action. In this matter we should be moved by principle. What is the object of a Common Council? It is to express the sense of the people of a city concerning the matters that are of importance to them. I would prefer to abolish the upper Board rather than the lower. I do not understand that mode of government by which the powers of the people are to be vested in a minority. Representation should be immediate and direct. We have all felt the difficulty arising from this unchecked power of expenditure by a small minority. If you have but a single Board elected by the city at large you will have many parts of the city unrepresented.

WOODIN'S ADDITION TO HIS AMENDMENT.

Senator Woodin suggested an addition to his amendment, as follows:—

And on and after that date the Board of Aldermen shall constitute the Common Council and exercise all

And on and after that date the Board of Aldermen shall constitute the Commen Council and exercise all the powers and perform all the duties thereof.

He wanted especially to set a term to the present Board. There seemed to be a ridiculous error in the latest statute upon the subject. The act—chapter 574 of the Laws of '71—providing for the present Board says that the Assistant Aldermén should be elected every two years, annually, after the first election in 1872. And to set that doubt at rest he proposed the first part of the amendment. The other part provided for their abolishment thereafter.

AN AMENDMENT TO CONTINUE BOTH BOARDS LOST. Sonator Murphy said the word "annually" was avidently a cigrical error. He offered an amend-

ment continuing both Boards, which was lost by a vote of 8 to 16.

THE ASSISTANT BOARD ABOLISHED.

Woodin's motion as amended by himself, abolishing the Board of Assistant Aldermen after January, 1874, was then carried by a vivo voce vote.

Senator Woodin then proposed to strike out sections 3 and 4 and the words "Assistant Aldermen," in the fifth section. These sections refer to the composition of the two Boards, and for the sixth section, as reported, he proposed to substitute the following, which was the third section of the original bill as it passed the Assembly:—

THE AMENDED SECTION.

Section 3.—The Board of Aldermen now in office shall bold office until the first Monday of January, in the year 1874, the same being the term for which they were cherted. There shall be twenty-one Addermen elected at 1874 three of whom shall be elected in each Scuate district in which they are elected, but no voter shall vote for more than two of said Aldermen. There shall also be elected six Aldermen at large, to be voted for on a separate balled, but no voter shall vote for more than four of the star of Voter shall vote for more than four of the earl Aldermen shall bold office for the space of one year, and shall he is comparate balled, but no voter shall vote for more than four of the said Aldermen shall bold office for the space of one year, and shall the following the form of the space of one year, and shall take office on the first Monday in January next succeeding their election, at noon. Annoally thereafter, at the general state election, there shall be been to the country and the general state election, there shall be been to the space of the space of the care that a certain the general state election, there shall be been to the space of the space of the care that succeeding their election, there shall be been to the space of the space of the space of the care that succeeding their election, there shall be been to the space of the space o

without any unnecessary delay, and the Clerk proceeded to call the other sections
FROM SECTION SEVEN TO SECTION TWENTY-SEVEN.
Section 7 was amended so that the heads of departments who are to have seats in the Common 5 was amended by striking out a quantity of useless verbiage regarding the Presidents of the two Heards, and the remaining sections were called over monotenously without interruption until the great bone of contention was reached, and clerk Dayton with leuder and more impressive tone than usual announced
"SECTION TWENTY-SEVEN,"

and sat down for a few minutes' rest before the fray opened.

The GRAND QUESTION OF APPOINTING.

Senator Woodin (drawing a long breath)—"Now, sir, I believe our breathing spell is over. Before we enter upon the discussion of this important section I wish to say that it is not the proposition of any one Senator, as stated; not the proposition of any one Senator, as stated; not the proposition of any 'ring.' It was proposed merely that the committee might make a report. I would have preferred to leave section 27 blank, to be filled up as they pleased by the Senate, but it was ruled otherwise. But, as it stands, section 27 has no father, no mother, no brother, no sister that I am aware of. I do not myself propose to advocate it, and have no proposition to make. I commit it to the kind care of the Senate to fill as they see fit.

LOWERY'S SUBSTITUTE.

Senator Lowery, republican, from the Nineteenth district, offered a substitute for the section vesting the power of nominating all heads of departments in the Mayor of New York city.

Senator Benedict said he would favor substituting the words used in a corresponding section of the constitution of the United States.

Senator Lowery said he had simed to make it as much like the section in the constitution as the circumstances would allow.

Senater Benedict thought that there were too

senator Benedict thought that there were too many provisions for a case of dead-lock, when it should be the presumption that public officers will perform their duties, and that dead-locks were really never approximate. really very unusual.

Senator Lowery had proposed the substitute mainly to get at the sense of the Senate on the subject. It was his idea of a suitable section, but he would not object to its being amended.

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WOODIN'S SUBSTITUTE.

Senator Woodin moved as a substitute the simple proposition that the Mayor and Presidents of the two Boards have the power of filing the offices. The contingency that may happen when the Beard of Assistant Aldermen is abolished will be provided for hereafter. There is another house to discuss this matter after we get through with it, and they may not accept the proposition proposed by the Schator from the Nineteenth (Mr. Lowery). It may then come, in the course of parliamentary usage, that committees of conference would be demanded, and as it was customary in committees of conference to consider the plans discussed in the two houses he wanted his plan considered by them.

JOHNSON COUNTS TWO.

Senator Johnson suggested that if the Lower Plouse rejected this measure after the Senate pussed it, that might serve as a reason suggested by the member of the Board of Aldermen referred to by the Senator from the Fifth for abolishing it, and he would suggest that the Senate forthwith abolish the Assembly.

CIRCIMLOCUTION.

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CIRCUMLOCUTION.

Senator Woodin rejoined that there was a constitutional difficulty in the way.

Senator Murghy—1s not the plan suggested in the substitute of the Senator from the Twenty-fifth so provided in section 27?

Senator Woodin—No, there is too much circum-locution there. It provides that the Mayor may nominate, and five days afterwards, if the Aldermen iail to confirm, my plan may come into use. It accomplishes by indirection what I propose to do directly.

I AM NOT A NON-PARTISAN.

I have not climbed high enough on the non-partisan tree that has grown up so tall within the last two years that I fall to see my duty as a republican. I believe a republican can rule a city as well as a democrat, and, as we have the responsibility of ruling New York city, even though democrats should vote with us on this charter, I prefer to select my own agencies. Whoever is to carry out our views there is bound to be a partisan, and we must choose whether he be a republican or a democrat.

Senator Lowery (interrupting)—Will the Senator

Senator Lowery (interrupting)—Will the Sena-tor tell me, then, why, if Mayor Havemeyer is to be held responsible for the government of the city of New York, should we not give him his own agen-

neld responsible for the government of the city of New York, should we not give him his own agencies?

Not an individual, but a party should rule. Senator Woodin—The Mayer is not to be held responsible. The idea of the individual responsibility of one man in the government of such a city as New York is a myth. The responsibility must and will fail on some great political party. There's where it should belong. The Committee of Seventy thought se last year, when they would give no power to the Mayor. Give it to any one man and he may become a tyrant. Give it to me, Senators, and I could rule New York with a tyrant hand. I could put in my ewn men, rule caucuses and conventions, and even nominate my owa Aldermen. It must be a partisan charter, either one way or another. The party papers may thander against it, and do so, but there are agencies there influencing them. What says the country press—the ergans—of the country republicans who come down every election to meet 70,000 majority rolled up by the democratic officials of New York? I would always put a republican in office when I can. If I were a democrat I would do the reverse. Therefore I ask a vote of this committee on the proposition I submit to it.

Senator Lowery—Will not the Mayor of the city of New York act with the republicans? Will he not nominate republicans?

Senator Lowery—It is all you need answer just now.

Senator Woodin—Oh, yes—armfuls of them.

Senator Woodin-Oh, yes-armfuls of them. Senator WOODIN—Oh, yes—armfuls of them.

MAVEMEYER'S REPUBLICANISM.

Senator Lowery—I take the ground, Mr. President, that Mayor Havemeyer is a good republican; that he has not changed the position he occupied last Fall, and as to the position he then occupied let me read you a letter written by a prominent republican in this State just previous to his election. (He then read the letter written to Mayor Havemeyer by Tom Murphy when the republican nomination was tendered him.)

Senator Woodin—Senator, did not republicans elect him?

elect him?

Senator Lowery—Yes, they helped; but I hold that Mayor Havemeyer now is as trustworthy as then—as good a republican. Mr. Lowery then read a long extract from an old letter of ex-bayor

that Mayor Havemeyer now is as trustworthy as then—as good a republican. Mr. Lowery then read a long extract from an old letter of ex-Mayor Opdyke in favor of giving power and responsibility to the Mayor. He thought that the nassage of so foolish a scheme would be the death-knell of the party in this State. He wanted the Senate to pause before they passed a enarter which the high-toned republicans of New York objected to. He would pass no remarks upon those republicans who have been here so persistently. He would accord them the right to come here in the Senate of New York State and tell us what is to be done, as he would accord it to any other prominent republican, but he would accord them no more, and he would not go back upon his own principles at their behest,

The vote was about to be taken upon Mr. Woodin's substitute, when, two o'clock having arrived, he moved that progress be reported. It was agreed to, and the bill was made a further special order for to-night at seven o'clock.

The Senate was again crowded to-night, as it had been during the day, to hear the debate on the twenty-seventh section. The Custom House gentry were in full torce, though they no longer concentrated their forces, and were scattered about among the ordinary spectators. Murphy was seated most of the evening among the ladies; Davenport continued to peep in and out of the jobly doors; Van Nort remained decorously in the cloak reoms, and the almost forgotten face of George Bliss, Jr., was seen peering from among a knot of stalwart chartists in the rear. Mr. Woodin's substitute for the twenty-seventh section—to give the appointing power to the Mayor and the two Presidents of the Aldermante Boards—was the question before the Senate when it reassembled at seven o'clock.

Woodin Unding His substitute with the Committee of Seventy. I make no mistake when I make this statement. They have given no reason why they have abandoned it, if they have abandoned it, if they have abandoned it, if they have abandoned it, so such production in the Lo

Seventy that it was not the proposition of the committee at all. (Assemblyman Blumenthal was sitting next Tiemann and made the statement.) The proposition favored the election of a Mayor and Assistant Mayer, in whom the appointing power was to be vested. These mayors were to be elected on the cumulative system. They were made, sir, by the sub-committee of the Committee of Seventy in December, 1872.

Senator Tiemann—Do you know that this sub-committee were discharged for making those very propositions?

either, when you remember your unpaid newspaper claims for \$2,000,000.

Mr. Madden—is not that the cause of the newspaper enmity to this charter, this very fact that the newspapers have unpaid claims that they can get under an honest government?

Mr. Woodin—No, sir: I don't think so. Now, as to the loyalty of Mayor Havemeyer, one of the New York papers says the republican party is to be held responsible for the men appointed, and Mayor Havemeyer has declared himself to be outside of sympathy with the republican party, and are we to place power in his hands. That was not the intention of the paper referred to when it published its article. It has shown that the Mayor would nominate men in hostility to the republican party, and the Aldermen will be driven by public sentiment, manufactured by the newpapers to confirm them, to the shame and disgust of prominent republicans. The Mayor has taken every opportunity to appoint men outside of sympathy with the republicans, and if he has this power given him Tammany Hall comes again into the front.

with the republicans, and if he has this power given him Tammany Hall comes again into the front.

INCONSISTENCIES IN NEWSPAPER ARTICLES.
Senator Lowry here read a short editorial from the New York paper referred to on the other side.

Mr. Woodin—Yes, that is that paper's habit. It advises one thing one day and another thing the next day. What reliance can you place on men who know so little of their own minds? What principle can there be in a mere matter of appointment? No; it is simply a matter of expediency. Such newspapers as the one I allude to do not know what they want when the charter is completed. They will still find something to growl at, and it is not for this Senate to be induced by them. The day of mismahagement in New York city began on the day that it was assumed to be governed by non-partisan Commissions. There is no greater humbug in existence. New York is not sovereign. She has he power not conferred upon her by the Legislature. Let her have a good government and the people there will not care whether the officers are republicane or democrats. I trust that there will be no failure to pass a charter in this Legislature, but there is great danger that such will be the result.

Senator Lowery—I do not propose, Mr. Chairmain, to form a government for the city of New York in the interest of Mayor Haveneyer or of any party. I find in the message of the Governor of this State a paragraph showing that Mayor Haveneyer, and says so in strong terms in his message. I do not stand here as the advocate of Mayor Haveneyer, nor do I propose to defend him. He has said something regarding the republican party that might have been better unsaid, but I have yet to believe that he is dishonest and cannot make good nominations, and I tell republican Senators here to-night that if they pass this charter as it is their party in this State is doomed.

Senator Lewis recited the story of the passage of a law giving appointing power to a indicial committee in Buffalo two Winters age by the democratic party was affected

for the 'high moral ground" on which they take take their stand.

Senator D. P. Wood asked him how the democratic party was affected in Buffalo by the measure at the next election; but this Mr. Lowis did not consider worth while to answer. He finally answered, however, by saying democrats were torn to pieces, and there was hardly enough of them left there fer seed.

Mr. Theman said his friend from the Thirty-first (Lewis) went with him in opposition to that bill, and he wished he would go with him new.

Mr. Madden—The reason why the Senator from the Eighth went that way was because he was elected by reformers and republicans as against Tammany. Is not that so?

Mr. Timmann—Mr. Chairman, when I choose to take the Senator from the Tenth (Mr. Madden) for my political confessor I will apply to him. Until then I would advise him to attend to his own affairs and sweep his own doors. (Laughter.)

Mr. Madden—Will the Senator deny that he was elected by the help of republicans and that the Committee of Seventy paid out money to secure his election?

Mr. Timmann—Mr. Chairman, I didn't attend the

his election?
Mr. Tiemann-Mr. Chairman, I didn't attend the polls. I don't know who voted for me. I know I got 5,000 mere votes than the other man, and I was sent here. I think it was foolish in them to send me. I heard that the Committee of Seventy had paid out \$1,500 for me, but I teld them they ought net do it, and I don't think they will do it again. (Laughter.)

imperturbable Tom, who had heard it twice during the day, and must have known that it was getting menotoneus.

ONE-SIDED EXPEDIENCY.

Senator Madden (who is the mildest man in the world, except at intervals of two minutes, when he gets intensely infuriated on the slightest pretext) demanded very irrelevantly if the Committee of Seventy did not give as a reason for taking the power away from Mayor Hall that it was expedient because he was a Tammany man?

D. P. Wood—With the charter that we were disensing then out went Mayor Hall, but to return. These honorable gentlemen who refer to the country press as supporting them in this attempt upon the liabilities of New York city need to breath again the pure air of their own counties and get away for a day from the stifling air about this capital imported here from New York city. They will be reminded there that the republican party is a great and honest party that intends to keep its pledges. But when I see men—Senators who not twelve hours ago were convinced that there was only one way to go and that was to give Mayor Havemeyer the power he ought to have—change front, I begin to realize the power and influence clustering about the question.

Madden of the press, havemeyer and green,

realize the power and influence clustering about the question.

Madden on the PRESS, HAVEMEYER AND GREEN.
Senator Madden—About this matter of the newspaper press I wish to say a word. Mr. Chairman, every public man is tender about speaking of the public press. It wields a power which they fear; but the press is only human, and newspapers of New York oppose this charter because they will miss their little pickings. I know their enormous patronage and power, but I don't fear them. Havemeyer has insuited this legislative body. I think he is in second childhood. A good republican had the bill relative to common schools passed in this body giving appointment of school commissioners to the Mayor, and yet when he had offered twenty-one names for those positions the Mayor only named five out of them. This was disconest. There is something radically wrong about such a Mayor. He is endorsed by the Committee of Seventy, which also endorses Andrew H. Green, who had a hill presented here by my venerable friend from the Fifth, which gave him power that the Czar of Russia would never have dared ask for. And who is Green? Let us pull off the tinsel who had a hill presented here by my venerable friend frem the Fifth, which gave him power that the Czar of Russia would never have dared ask for. And who is Green? Let us pull of the tinsel that surrounded this only honest man. Why he has driven away nearly all the business (in supplies, I mean) of that city because honest men refuse to submit to his dictation, and he refuses to pay their honest bills, but I remember when the Central Park Commission bill was passed no compensation was asked for, but two years after this Andrew H. Green, Treasurer of this Commission, came here and asked a salary of \$10,000 a year.

Messrs. Weismann and Benedict simultaneously—No, five.

Mr. Madden (in a towering rage and with a force that whirled both the fragile and venerable New Yorkers back in their seats as if they were shot)—No, sir, ten. He took \$10,000 a year for two years past, and drew it every year afterward, and, besides, he drew \$300 a year for his personal expenses. Now I don't want to hear any more about Green and his honesty.

Senator D. P. Wood—Will the Senator allow me a question?

Mr. Madden—Ah! the Senator has been down

Senator D. P. Wood—Will the Senator allow me a question?

Mr. Madden—Ah! the Senator has been down hobnobbing with Andrew H. Green, and he tainks he is a great man; but I don't. (Great laughter.)

Mr. D. P. Wood—I only wish to ask a question.

Mr. Madden—Well, go on.

Mr. Madden (almost choking with unconquerable rage)—No sir; but they are connected somenow. This Green is a great Havemeyer reformer; I prefer one who will face the State Prison and take the chances.

Senator Lord desired to know if Mr. Green took much more than the republican Congress in increasing their salaries?

Mr. Madden (descending from frenzied rage to sorrow) said—Both were equally guilty, but democrats took their pay in Congress as well as the republicans.

republicans.
Senator Jounson—May I inquire of the Senator how he stands on charter? I am unable to discover which side he is on.
Mr. Madden—I am in favor of giving three men the power of appointing—three republicans, not

the charter is finished he will propose a new resolution.

STEPHEN ENGLISH'S PETITION.

The Assembly Committee on Grievances, owing to the fact that the memorial of Stephen English, now in Ludlow Street Jall, will not be printed before Monday, will not hold their proposed meeting until Tuesday next. It is believed that the committee will be shorn of all general authority to investigate the truth or faisity of the allegations made in the memorial, on the ground that they are now the subject matters of the suit pending between Winston and the prisoner, and therefore within the jurisdiction of the Courts, and will simply confine themselves to ascertaining whether or not the memorialist is held illegally. The committee will probably next week confer with the Judiciary Committee to decide upon the precise course of action to be pursued. The latter committee have decided to report a bill based on resolutions of Mr. Cornell offered last week in relation to prisoners in Ludiow Street Jail, and the bill, it is said, will repeal the "Ne excat" law and all other laws deemed to be unjust and arbitrary. Mr. Abbott, one of the members of the committee, says that the committee-will not act hastily, but will take legal advice before going to work, and try to get at both sides of the case before making a report, and at the same time see to it that no "strikers" in the lobby or out of it make use of the report, and at the same time see to it that no "strikers" in the lobby or out of it make use of the investigation to bleed the company or anybody

John Chamberlin has purchased the right to sell John H. Harbeck, Jr., has matched his black nare for \$1,000, \$250 forfeit, to trot against Mr. Thomas Johnson's Clay stallion, mile heats, best three in five, in harness, over Fleetwood Park track, the race to take place a few days after the Spring meeting. Messrs. Harbeck, King and Johnson have made up a sweepstakes of \$250 each, the the contestants, mile heats, best three in five, in har ness, to take place shortly after the previous race.

years old, is a very fine one, and can trot very fast, It is thought by good judges that Mr. Thomas P. Wallace's splendid bay gelding Heary will trot very fast this season, as he is in better shape than ever before, and his success will be hailed with pleasure by all true lovers of honest turf sport, as 2:20%, but he has trotted some seconds faster

Mr. John H. Martin's bay Ethan Allen coit, six

wintering at Canton, Ill. She has a record of 2:22%, and is owned by T. J. Smith, of St. Louis. town, Ohio. She has a record of 2:27%, and is the property of Henry Todd. The black gelding

alone in private trials.

same place. He has a record of 2:30, and is ewned by C. H. Andrews. Denmark is very fast, and when becomes a little more steady will trot low in the twenties.

John Crocker has at his stables in Youngstewn, Ohio, bay Mare Ella Wilson, Maggie Hall (sister to Mohawk, Jr.) and several other very promising ones.

ones.

Bay gelding Brother Jonathan, with record of 2:30%, is wintering at Cleveland, Ohio. He cost his owner, P. J. Kimberly, of Sharon, \$12,000 a short time since, and is considered very promising. Belle of Patterson and Mary Taylor, both good enes, have been stabled at the same place during the Winter.

George Logan has in charge at Cleveland, Ohio, bay Royal George, gelding Independence, with record of 2:31, black mare Coquette, gray gelding Tramp and Billy Cushing, by Pilet, Jr., all of them fast.

Mr. William Edwards, of Cleveland, owns a gray geiding called Joe Hulier, with record of 2:34, a very premising trotter, by Mambrine Champien.

The bay mare Molile Long, lately purchased in Kentucky by a New York gentleman, arrived here a day or two since. She will be trained and driven the coming season by Jonn Lovett, and will have for stable companions Gazelle, Luiu and Young Brune. She is allied to Lady Thorn, and is a splendid looking creature. She is now five years eld. She trotted in her four-year-old ferm in 2:33%, a third heat.

James McKee drives a very fast black team, which are hard to beat.

James McKee drives a very fast black team, which are hard to beat.

The trainers and drivers will held a meeting on Monday evening next, and owners of trotting horses are invited to attend.

The old race mare Nota Price, stolen from Baltie Payton, of Tennessee, in 1866, was recovered by Mr. J. W. Kielzer, of Nashville, on the the 17th instant, and is now at a livery stable in that city awaiting her owner's identification. Nota Price is now nineteen years old and had been used as a brood mare by Mr. Payton before she was stolen.

as a stood mark of Lexington, Ky., sold recently to Messrs. Leadbeater & Lewis, of this city, five head of fine horses, and also shipped to the same parties thirteen head, purchased in the Blue Grass

head of fine horses, and also shipped to the Same parties thirteen head, purchased in the Blue Grass region.

Mr. A. Welch, Chestnut Hill Stud Farm, near Philadeiphia, has sold to a Connecticut gentleman his bay trotting stallion Rysdyk, fonled in 1865 by Rysdyk's Hambletonian, out of Lady Duke, by Lexington, her dam Magdaiene, by Medoc, out of Keph's dam, by Sumter, &c., &c. This is one of the finest bred Hambletonian stallions in the country, his dam being thoroughbred, by Lexington, and gets a cross of pure Messenger blood through Medoc, a son of American Eclipse. We hear the price paid was \$5,000, but the horse is cheap at \$19,000.

Rosalie, a bay mare, by Harris' Hambletonian, thirty-one years old, died at the farm of her owner, Mr. Challes Eackman, on Friday, March 14. She was the dam of Silver Heel, the celebrated five-year-old, now owned by Mr. Backman, and which has shown a mile better than 2:30.

The celebrated roan trotting gelding Captain McGowan, foaled in 1856, died last week at Concord, N. H. He died of cerebre spinal meningitis. His pedigree was unknown. Captain McGowan was a wonderful horse, having trotted twenty mice, carrying 155 bis, on a half-mie track, without a skip, in 58:25. Twenty thousand people witnessed the performance, on the Riverside Park, October 31, 1859.

A premising young horse of the Bellfounder stock was recently sold in Uister county for

October 31, 1865.

A premising young horse of the Bellfounder stock was recently sold in Uister county for \$500. Among other sales reported is a brown Hambletonian mare, by the old horse, at Chester—the father of all the Hambletonians. She is a full sister to the well known old trotting horse Ship Timber. She shows a fair rate of speed. The consideration is not made public.

THE NEW TROTTING RULES.

TO THE EDITOR OF THE HERALD :-

As the Trainers and Drivers' Association have been a little misrepresented-in part by the newspapers—in their getting hold of and publishing some rules that had been drawn up, but never adopted, which has led to a good deal of discussion by the various associations and the ewners of tretting horses in general, all they have to say in their behalf is, they hope a generous public will withheld their opinion until the Association is brought to a more forward state, as they have as withheld their opinien until the Association is brought to a more ferward state, as they have as yet only adopted nine rules, which they think will not comfact with the National or any other association or with the owners of trotting horses, as they only amount to starting the horses as advertised, and have the trots at each meeting carried out as per programme, to consume less time in scoring, having a horse distancing the field to receive all the money; as owners of horses pay entrance on the whole amount of purse offered, and if thought best at a fature time to give the second horse a record, to try and bring it about. This, with a few other changes, such as having good and reliable men put in the stand for judges, as the public, owners and drivers know it is one of the first considerations, as most of the fault lies there; besides, this Association would like to appoint a committee to meet another from the National, clothed with the proper authority, to agree upon a code of rules, made plain and to be firmly carried out, as they wish for nothing unfair, but to have conducted squarely, if possible. And if the public will only be patient for a while, they will find all things on the Trainers and Drivers' part made smooth and even (as it hoped it may be) for the interest of all concerned. Knowing this to be se, I am yours truly,

WASHINGTON.

ANOTHER ARMY SCANDAL.

Why General Sherman Was Not Appointed Ad Interim Secretary of War.

C. M. AND THE GOVERNMENT

Increase in the Number of Patents-A Carpet Bag Invitation to the President-The New York Central Tax-An Unconfirmed Appointment.

WASHINGTON, March 27, 1873. Another Growl from the Army-Why General Sherman Was Not Appointed Acting Secretary of War. Again military circles are scandalized, and the

wrinkles on the front of grim-visaged war are plainly visible. The correspondence between the President and the Attorney General respecting the appointment of General Sherman as Secretary of War pro tem. was given out to-day with much despatches yesterday that Sherman could not be designated to act during the absence of Beiknap, who goes on a junketing tour into Texas for the benefit of the health of relatives. Beiknap is the only one of the Cabinet officers who did not desert his office for the stump during the last Presidential campaign, and it is no longer a State secret that in had laid down his pen, which is mightier than his sword, and wagged his tongue, which is Robeson, his perfunctionary neighbor, as Mont-gomery Blair used to call Stanton when he headed the War Department. But to the point. The President has suddenly, without apparent cause, in arms. The promotion of Lieutenant Fred, our elder son, to the rank of Lieutenant Colonel on Sheridan's staff was an entering wedge; but when he submitted to the Attorney General the question whether he could authorize General Sherman to perform the duties of Secretary of War while Belknap took a pleasure trip with General Sheridan through Texas, he was only inviting an opinion adverse to the request, the tenor of which was agreed upon before the letter was written. The resident's reply was as follows:-

EXECUTIVE MANSION,

WASHINGTON, MARCH 24, 1873.

TO THE HON. THE ATTORNEY GENERAL:

SIR—HON W. W. Beikingd, Secretary of War, expecting to be absent a few weeks, has requested me to authorize and direct William T. Sherman, General of the Army of the United States, to perform the duties of Secretary of War during such absence. Please advise me whether such an apapointment will be legal.

Your obedient servant,

The latter player convice the own extinues.

The latter clause carries its own criticism. General Belknap is a member of the Cabinet, and supposed to be as well informed respecting laws governing and the duties of his department as the Atforney General. He requests the President to direct General Sherman to perform the duties of Secretary of War for a few weeks, and Mr. Williams

DEPARTMENT OF JUSTICE, WASHINGTON, March 24, 1873.

That is shall not be lawful for any officer of the army of the United States on the active list to hold any civil office, whether by election or appointment; and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the army, and his commission shall be vacated thereby.

his commission shall be vacated thereby.

General Sherman is on the active list of the army, and the office of Secretary of War is a civil office. He cannot, therefore, be appointed to discharge the duties of that office, nor can he exercise its functions without ceasing to be an officer of the Army of the United States. I am. therefore, of the opinion that General Sherman cannot act as Secretary of War without vacating his commission as General of the Army. Very respectfully,

GEORGE H. WILLIAMS, Attorney General.

The explanation of this is that if the President had wanted General Sherman to act as Secretary of War he would have designated him and raised no make an excuse for not complying with the request of the Secretary of War. The Attorney General was a member of the Congress which passed the act referred to, and he knows, or ought to know, that the clause cited was inserted to prevent army officers from holding any civil office, whether by election or appointment, that is, there were to be no more Kilpatricks or Sickles, officers of the army and accredited abroad as Ministers Plenipotentiary and Envoys Extraordinary. Neither the intent nor the spirit of the law warranted, in the opinion of eminent judicial minds, the construction put upon the act by the Attorney General. Whenever the rotund Rebeson goes to New Jersey for a few days there is no bother about Rear Admiral Case acting as Secretary of the Navy. He actually holds a temporary commission so to do when the avoirdupois Secretary vacates the south wing of the Navy Department. The plain truth is, President Grant did not want General Sherman to act as Secretary of War. He did not want his presence at Cabinet meetings. The unpleasant recollection of the time when General Sherman's predecessor was Acting Secretary of War, and a question of veracity arose between President Johnson and Acting Secretary of War Grant, is still kept alive. No such misfortune shall befall the General of the Army if the President can help it. But when he wants convenient opinions acout army officers occupying civil positions he might with propriety refer to the Attorney General the question whether his first secretary, a major of the engineer corps, is entitled to hold that office. For if the General of the Army is precluded by the act referred to, what may be said of the continuance in office of General Porter until he resigned a few months ago, and what becomes of Major O. E. Bab-cock, the majordomo of the White House and General Superintendent of Public Buildings and

The Pay Department of the Army. The deaths of General Fry and Major Walker,

Paymasters in the army, which occurred recently, creates no vacancy in that corps; but this fact does not seem to be known as applications have been sent in for several days past. The act of July 28. 1866, provides that the pay department of the army shall hereafter consist of one Paymaster General, with the rank, pay and emoluments of a brigadier general; two Assistant Paymaster Generals, with the rank, pay and emoluments of colonels of cav-airy; two deputy paymaster generals, with the rank, pay and emoluments of lieutemant colonels of cavalry, and sixty paymasters, with the rank, pay and emoluments of majors of cavairy. The act of March 3, 1869, provides that until otherwise directed by law, there shall be no new appointments or promotions in either the Adjutant General's, Inspector General's, Pay. Quartermaster's, Commisarmy. The list of paymasters does not now embrace more than forty-eight names, not enough to perform the duties required; but on account of the laws above referred to the vacancies caused by death, retirement and resignation cannot be filled. The Government and C. M.

The Government and C. M.

It now transpires that the Crédit Mobilier suits, instead of being a benefit to the government, will benefit an inside ring of the Union Pacific stock holders, who were also shareholders in Credit

Collector Bailey and the New York Central.

In response to an inquiry from Collector Bailey as to whether he should now commence the seizure of the real estate of the New York Central Railroad Company, the Internal Revenue Com-

missioner responds that it will be necessary under the law to exhaust all the personal property of the company before a seizure is made upon the real

An Unconfirmed Appointment.

Treasurer at Cincinnati was not confirmed by the Senate before adjournment yesterday, although is understood that there was no personal opposition to General Hayes. The office is a new one and the act creating it does not take effect until several applicants that there would be no appoint ment at present, and he therefore did not desire the confirmation of General Hayes, as it would have looked like breaking faith with those to whom he had so expressed himself. The office can be filled during the recess, and it is probable that the appointment will be given to General Hayes. If so he will be premptly confirmed when the Senate shall again meet.

General Grant Declines a Carpet-Bag Invitation.
Senators Rebertson and Patterson, accompanied

by Lieutenant Governor Gleaves, State Senaton Swails and Representative Hurley, of South Carolina, called on the President to-day and invited him to make a trip South, assuring him he would meet with a cordial reception from all classes of citizens of that State. The President thanked ing delegation for this assurance of friendly feeling and regretted that he would not be able at present to take such a tour, but he hoped to do so at

Increase in the Number of Patents.

Over six hundred applications for patents have been received at the Patent Office this week, and over three hundred patents have been issued. The receipts this year for copies of documents, includsupposed, reach seventy-five thousand dollars-s

thus far for March exceed those for any previous complete month since the organization of the Patent Office. Major W. Gouverneur Morris. the United States Marshall of California, who was recently married here to Miss Carnes, is not going

larger sum than was ever before received in any former year on that account. The general receipts

to Europe on a bridal tour, as has been reported but will return shortly to resume his official duties in California.

A Magie Lantern Conscience.

The Treasurer to-day received from New York \$33 25 conscience money, being the amount due for taxes unpuid en magic lanterus brought from Europe. The party thinks that as he brought them for "Sunday school use" he had a right to do sq without paying duty on them. Redemption of Old Copper Coin.

Instructions for the exchange and redemption, after April 1, 1873, for sums of not less than \$20 or its multiple of all old copper bronze and copper nickel coins heretofore authorized by law have been issued by the Treasury Department. They provide for the exchange at par at the mint in Philadelphia of all such coins authorized by the for their redemption in lawful money in similar sums at the mint and by all Assistant Treasurers

sending it, and that on the new coin by the Unite Treasury Balances.

and designated depositories of the United States,

the expense of transportation on the old coin and

currency paid therefor to be borne by the party

The following balances were in the Treasury at the close of business to-day:— The following
the close of business to-day:

Currency
Special deposit of legal tenders for the
recemption of certificates of deposit. 30,046,000
69,571,042
24,895.500
358,486,69

MEDICO-LEGAL SOCIETY.

The Bill in Relation to Deaf Mutes, to Dis vest them of Criminal Responsibility—A Paper on Legal Responsibility in Old

The Medico-Legal Society held their stated monthly meeting yesterday, Mr. Clark Bell in the chair. Dr. Rogers moved the following resolution.

which was adopted:—

Resolved, That this society has learned with great regret of the adverse action of the Senate Committee upon the bill in relation to deaf mutes, and respectfully ask a reconsideration of that action with the view of its final

norant, and without any knowledge of right and wrong, had been placed on trial for murder, and was now confined in an insane asylum in this State. The man was not insane at all, and this bill was for the purpose of educating such totally ignorant deaf mutes and divesting them of criminal responsibility.

Mr. HENRY L. CLINTON stated the bill in relation

Mr. Henry L. Clinton stated the bill in relation to the defence of insanity in criminal trials had passed the Assembly, and was now before the Senate. He did not know what its fate would be in the Senate.

The Executive Committee recommended the admission of a large number of new members. They were elected.

Dr. George M. Beard read a paper on "Legal Responsibility in Old Age." What was the relation of age to work? To what extent was the mind impaired by old age? He had prepared a list embracing all names noted in history. He had noted the age at which scientists had made their discoveries, at which lawyers had led the bar, af which generals had won their victories, at which philosophers had given to the world their greatest theories. Seventy per cent of the creative work of the world had been done before forty-five; eighty per cent before fifty years. In the editorial profession nearly all the excellent work had been done before forty-five. The imagery of Burke and Bacou had improved as their ages increased.

The lecture was listened to with interest and the meeting then adjourned.

AQUATICS.

Ellis Ward Again Matched Against John Biglin to Row a Race on the

Connecticut River.
On Wednesday the arrangements were made for rowing match between Ellis Ward and John Biglin, to take place at Springfield, Mass., the day after the regatta. The conditions of the race are the same in other respects as those observed at Nyack last seasen. Ward says that he was not then in condition, and therefore desires another chance to show his athletic qualities. Dick Pusdon acted as go-between in the negotiations.

NAVAL PAYMASTER BOGART BAILED IN

SAN FRANCISCO, March 27, 1873. Judges Sawyer and Hoffman admitted R. D. Bogart to ball in \$10,000 this afternoon. The case the District Attorney and the consent of the priso er's counsel. Bogart offered ball in any amount that the Court might demand next Tuesday. The District Attorney demurred to the answer of prisoner's counsel.

A STREET RAILROAD INJUNCTION.

PHILADELPHIA, March 27, 1873. The Union Passenger Railway Company commenced laying tracks on Market street menced laying tracks on Market street below Ninth, under the law recently passed, but were soon stopped by an injunction of the court under proceedings commenced by the Market Street. Company and the merchants occupying stores along the street. The Market Street Railway claim to have exclusive right to the street or railway purposes, and the merchants claim that placing four tracks on the street would, obstruct their business.

HORRIBLE DEATH ON THE PRAIRIE.

MILWAUKEE, March 27, 1873. The daughter and son of a farmer named Short-gen, and a son of a neighbor named Madele, were burned to death near Read's landing, Minn., March 23. They were encircled by prairie fire, and perished before they could escape. When found their clothes were all burned off, and the fiesh was peeling from their bones.

VESSELS BLOCKED BY THE ICE.

POUGHKEEPSIE, N. Y., March 27, 1873. The propeller McManus and a barge, both bound for Newburg, are lying at the West Point dock, being unable to proceed further in consequence of the ice. They have been there since ten o'clock this morning and cannot get away to-night.

GERMAN LOSSES IN THE LATE WAR.—By the official record we have at last definite statistics of Germany's losses in the war with France. The total number killed, wounded and missing amounts to 127.897. Of these thère were killed in action 17,572; those who died afterwards from their wounds numbered 10,710; from sickness, 12,233; from accidents, 316; from sickness, 13;233 encounters with the enemy which were attended with loss of life.